

REMARKS

Claims 1-17 remain pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 4-6 and 9-12 stand rejected under 35 U.S.C. § 102(b), as being anticipated by Becker et al. (US Pat. No. 5,984,450) This rejection is respectfully traversed.

Claims 1 and 6 require a gas-permeable filter that allows a gas to pass therethrough and prevents a liquid from passing therethrough. The office action asserts that Becker teaches a gas-permeable filter (82, 84, 86 or 88, fig 6). However, Becker fails to state that the filter 82, 84, 86 or 88 prevents ink from passing therethrough. Becker's silence as to the nature of the filter 82, 84, 86 or 88 is fatal to Becker's anticipation of claims 1 and 6.

More particularly, it is conventional, typical and common for a filter provided in a suction mechanism of ink-jet heads to allow ink to pass therethrough for the purpose of restoring a failing nozzle. Given Becker's silence with respect to the nature of the filter 82, 84, 86 or 88, it is impossible to conclude that the filter 82, 84, 86 or 88 allows ink to pass therethrough. In fact, given the conventional, typical and common use of filters in suction mechanisms of ink-jet heads, it is far more likely that the filter 82, 84, 86 or 88 allow ink to pass therethrough.

The conclusion that the filter 82, 84, 86 or 88 allows ink to pass therethrough is bolstered by Becker's description of a step of priming a printing head. In the priming step, a firing chamber can be filled with ink by sucking air in a capper with a strong suction force. The result of this is that ink passing through the filter is wastefully discharged. Applicant respectfully submits that the Becker's filters do not prevent ink from passing therethrough and that an interpretation to the contrary is incorrect.

In contrast to Becker, the purpose of the present invention is to fill a nozzle with ink without wasteful discharge of ink, but not to fill a nozzle by sucking and discharging ink or to restore a failing nozzle. By using the claimed gas-permeable filter that allows gas to pass therethrough and prevents liquid from passing therethrough, the entire nozzle up to the tip thereof can be filled with ink without the wasteful discharge of ink. This is unique to the claimed invention.

In view of the foregoing, Applicant respectfully requests reconsideration and withdraw of the rejections of claims 1 and 6.

Claims 4, 5 and 9-12 depend from either claim 1 or claim 6. Applicant respectfully submits that claims 4, 5 and 9-12 are allowable for at least the same reasons as set forth above with respect to claims 1 and 6.

REJECTION UNDER 35 U.S.C. § 103

Claims 2, 3, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Becker et al. (US Pat. No. 5,984,450). This rejection is respectfully traversed. Claims 2, 3, 7 and 8 depend from either claim 1 or claim 6 and should be allowable for at least the reasons as set forth above regarding claims 1 and 6.

Claims 13 and 15-17 are rejected under 35 USC § 103(a) as being unpatentable over Schleifer et al. (US Pat. No. 6,372,482 B2) in view of Becker et al. This rejection is respectfully traversed.

Claim 13 calls for a gas-permeable filter that allows a gas to pass therethrough and prevents a liquid from passing therethrough. As stated above, Becker fails to teach or suggest a gas-permeable filter that allows a gas to pass therethrough and prevents a liquid from passing therethrough. Schleifer fails to cure this deficiency. As such, the combination of Becker and Schleifer cannot render the subject matter of claim 13 unpatentable.

In view of the foregoing, Applicant respectfully requests reconsideration and withdraw of the rejection of claim 13.

Claims 15-17 depend from claim 13. Applicant respectfully submits that claims 15-17 are allowable for at least the same reasons as set forth above with respect to claim 13.

ALLOWABLE SUBJECT MATTER

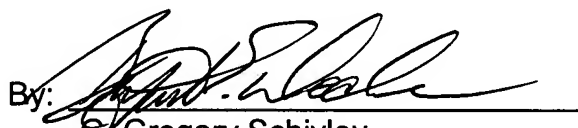
The office action states that claim 14 would be allowable if rewritten in independent form. Applicant defers rewriting claim 14 into independent form until after the Examiner considers the foregoing remarks. A continuing indication of the allowability of claim 14 is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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